

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Food Lion, LLC, and Maryland and Virginia
Milk Producers Cooperative Association,
Inc.,

Plaintiffs,

v.

Dairy Farmers of America, Inc.,

Defendant.

Case No. 1:20-cv-00442

**JOINT MOTION FOR ENTRY OF
STIPULATED DISCOVERY AND BRIEFING SCHEDULE AND
STIPULATED NOTICE OF MATERIAL CHANGE ORDER**

NOW COME the Parties in this matter, pursuant to the Court's Order of June 10, 2020 [ECF No. 28] providing for Expedited Discovery, as extended by the Court's Order of June 23, 2020 [ECF No. 35], and in follow-up to the Parties' June 29, 2020 Joint Submission on Discovery Scheduling [ECF No. 37], and pursuant to Fed. R. Civ. P. 7 and Local Rule 7.3, to move the Court for entry of a (i) Stipulated Discovery and Briefing Schedule and (ii) Stipulated Notice of Material Change Order. In support of this Motion, the Parties show the Court as follows:

1. As suggested by the Court in its prior order, the Parties have reached an agreement to consolidate the pending motion for preliminary injunction with a bench trial on the merits pursuant to Rule 65(a)(2), and have negotiated a Stipulated Discovery and

Briefing Schedule to that effect. A copy of the Stipulated Discovery and Briefing Schedule is attached as **Exhibit A**.

2. The Stipulated Discovery and Briefing Schedule is conditioned upon a separate Stipulated Notice of Material Change Order, attached as **Exhibit B**, that allows the Court to monitor changes to the status quo pending trial and permits DFA to continue to operate the Carolinas Plants in the ordinary course of business.

3. The Parties submit that good cause exists to enter both the Stipulated Discovery and Briefing Schedule and the Stipulated Notice of Material Change Order, as the orders will help facilitate the orderly and efficient management of this case.

WHEREFORE, the Parties respectfully request that the Court enter the Stipulated Discovery and Briefing Schedule and Stipulated Notice of Material Change Order.

Respectfully submitted this 1st day of July 2020.

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